

**Electronically Filed December 22, 2008**

<b>RESPONSE TO RESTRICTION REQUIREMENT</b>  Address to: Mail Stop Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Docket No.	STHP-018
	Application No.	10/507,931
	Confirmation No.	5683
	Filing Date	April 28, 2005
	Examiner	Apanius, Michael
	Group Art Unit	3736

Sir:

This communication is submitted in response to the Restriction Requirement dated October 24, 2008.

The Applicants hereby elect to prosecute the claims of Group 1 with traverse. With respect to the species, the Applicants elect the “electronic” embodiment of Species B. It is believed that Claims 23 to 31, 36-41 and 44-50 read on the elected species.

As stated in the MPEP §803, if search and examination of an entire application can be made without serious burden, the examiner must examine the entire application on the merits, even though the entire application includes claims to independent or distinct inventions. It is the Applicants’ position that it would not be unduly burdensome to perform a search on all of the claims together in the present application. Specifically, all of the non-elected claims include the element in the elected device claims of a vaginal indwelling thermometer having integral temperature recording means. Accordingly, a search of the device claims will find any art relevant to examination of the methods claims. As such, the Examiner is requested to rejoin the method claims with the elected device claims.

The Applicants expressly reserve the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter or any subject matter disclosed in this application during the pendency of this application.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number STHP-018.

Respectfully submitted,  
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Date: December 22, 2008

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